

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

APRIL 18, 2016

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Chairman Steve Lichtenfeld
Mark Winings, Aldermanic Representative
Craig Owens, City Manager
Ron Reim
Josh Corson
Sherry Eisenberg

Absent:

Pepe Finn

Also in Attendance:

Susan M. Istenes, AICP, Planning Director
Louis Clayton, Planner
Kevin O'Keefe, City Attorney

Chairman Steve Lichtenfeld asked that all cell phone ringers be turned off, that conversations take place outside the meeting room and that those who wish to speak approach the podium and to be sure the green light on the microphone is on for proper recording of this meeting.

MINUTES

The minutes of the April 4, 2016 meeting were presented for approval. Sherry Eisenberg noted that she should be listed as "Present" on Page 1. The minutes were then approved, as amended, after having been previously distributed to each member.

ARCHITECTURAL REVIEW – NEW CONSTRUCTION – SINGLE FAMILY RESIDENCE – 8300 KINGSBURY BOULEVARD

Lori Fumagalli, project designer, was in attendance at the meeting.

Susan Istenes stated that due to the number of agenda items for consideration this evening, she will provide a project summary. She explained that the proposed project consists of the construction of a 4,160-square-foot (excluding the basement) single-family residence with an

attached, rear-entry, at-grade garage. The height of the proposed residence is 28 feet 1/2 inch as measured from the average existing grade to the mean height of the roof. The home to the west (8304 Kingsbury Boulevard) was constructed in 2005 and is 3 inches shorter than the proposed home (as measured from the mid-point of each roof). The home to the east (221 Topton Way) was constructed in 1952 and is 14 feet 4 inches shorter than the proposed home (as measured from the mid-point of each roof). As required by the Clayton Gardens Urban Design District, to avoid tall, blocky building forms, new structures shall incorporate a transition in height and scale through one of six possible techniques. According to the applicant, the proposed design incorporates the following permitted techniques:

1. Increasing the side yard setback one foot for every five feet the height of the structure exceeds the height of the adjacent structure at the side yard.
 - a. The required side yard setbacks are 6 feet and the proposed setbacks to the east are 17.5 at the north corner and 12.61 at the south corner.
2. Stepping-down to meet the approximate height of the adjacent structure.
3. Utilizing a roof pitch and overhang similar to that of the adjacent structures.

The primary building material for the proposed home is brown brick with beige Hardie board lap siding accents. The proposed roof is clad in “weathered wood” colored architectural asphalt shingles. “Sea Foam Green” aluminum windows are proposed. A 9-foot wide exposed aggregate driveway is proposed on the east side of the home that leads to a rear-entry, at-grade attached garage with a beige garage door. A new fence is not proposed at this time. A low Versa-Lok Mosaic retaining wall is proposed along the west side of the driveway. Susan stated that staff is of the opinion that the design and materials are compatible with nearby homes and recommends approval as submitted.

Ms. Fumagalli presented a color rendering as well as a brick and roofing sample to the members. She indicated that they addressed the height issue that was the cause of denial at a previous meeting by dropping the house down by 2 feet. She added that the fascia on this house is now lower than the house on the right and also the floor level of this house is 3-inches lower than that of the house on the right.

Chairman Lichtenfeld asked if all zoning requirements are either being met or exceeded.

Ms. Fumagalli replied “yes”. She referred to the streetscape drawing. She stated that the civil engineer lowered the garage by a foot and the basement by a foot. She noted that the 2nd floor plate lines are at 7-feet and that the sloped ceilings help with height as well.

Josh Corson commented that it looks good.

Mark Katzman, 8301 Kingsbury Boulevard (directly across the street from the subject property) asked to see the plans of the proposed home. He asked how height is measured. He commented that it looks out of place.

Chairman Lichtenfeld informed Mr. Katzman that it meets the ordinances and that Clayton Gardens has been subject to many new homes and that this one provides sufficient separation, provides a step-down and design techniques to make it fit-in.

Ms. Fumagalli presented samples of the proposed Hardie board (Navaho Beige), asphalt shingles, window trim & brick (Richards Brick-Brown Tweed) to the members.

Chairman Lichtenfeld asked if the brick will be oversized.

Ms. Fumagalli replied “no”.

Mr. Katzman stated that he didn’t like the green trim and asked if he has any say on the colors used on the home.

Chairman Lichtenfeld informed Mr. Katzman that he has a right to comment; noting that there will only be 2.5-inches of the green trim on either side of the windows.

Mr. Katzman stated it will upset him to see that green every day. He stated that he is a photographer and is tuned in to colors.

Chairman Lichtenfeld commented that the house is quite nice and was revised to fit in; he believes it fits in with the future of the neighborhood and has no issue with the proposed colors or materials.

He asked if there were any other questions or comments.

None were received.

Hearing no further questions or comments, Josh Corson made a motion to approve as proposed. The motion was seconded by Craig Owens and unanimously approved by the Board.

Chairman Lichtenfeld asked when the plan to start construction.

Mr. Manlin (developer/builder) indicated they hope to begin within 30 days.

ARCHITECTURAL REVIEW – ADDITION TO SINGLE FAMILY RESIDENCE – 36 CRESTWOOD

Paul Fendler, project architect, was in attendance at the meeting.

Susan Istenes explained that this is a request for the construction of an 850-square-foot, 2-story addition above the existing below grade garage. The 29-foot, 2-inch addition will be visible from the street and will incorporate the same design and materials found on the existing home

including brick, the roof will be clad in grey fiberglass shingles, and black double-hung windows are proposed. The existing concrete driveway will remain in place. No retaining walls or permanent fences are proposed. The existing HVAC units are located on the north side of the home, and are shown to be screened by evergreen shrubs. A new 40-square-foot trash enclosure is located at the rear of the addition and will be screened by a wood fence and gate painted white. Susan stated that the project as proposed is in conformance with the requirements of the R-2 Single Family Dwelling District, the Architectural Review Guidelines, and has been approved by the subdivision trustees. Staff is of the opinion that the proposed design and materials are compatible with the existing home and other homes in the neighborhood and recommends approval as submitted.

Mr. Fendler commented that they have black windows.

Chairman Lichtenfeld asked about the proposed materials.

Mr. Fendler stated that the addition will incorporate painted brick and the windows and roof will match existing.

Ron Reim asked if storm water will be redirected.

Mr. Fendler replied “no”.

Chairman Lichtenfeld commented that there will be no change to the footprint.

Mr. Fendler concurred.

Hearing no further questions or comments and hearing none from the audience, Chairman Lichtenfeld called for a motion.

Ron Reim made a motion to approve as submitted. The motion was seconded by Sherry Eisenberg and unanimously approved by the Board.

ARCHITECTURAL REVIEW – ADDITION/EXTERIOR ALTERATION – SINGLE FAMILY RESIDENCE – 228 TOPTON WAY

Lauren Strutman, project architect, was in attendance at the meeting. Also in attendance were Bruce and Michelle Bryan, owners.

Susan Istenes explained that this is a request for approval of the design and materials associated with a proposed project consisting of the following additions totaling 1,090 square feet and alterations:

1. A new front porch and two new dormer windows on the front elevation.

2. The roof of an existing non-conforming building projection on the front façade will be raised two feet (variance approved by the Board of Adjustment on April 4, 2016).
3. A below-grade, two-car garage addition on the rear elevation.
4. A two-story shed roof addition on the rear elevation.
5. New windows, stone and brick veneer, and Hardie shingle siding.

The proposed alterations and additions will incorporate similar design and materials found on the existing home. The primary building materials are brick and stone with Hardie shingle siding. The amount of siding will not exceed 25 percent of any elevation. The roof will be clad in slate polymer shingles, grey in color, and bronze casement windows are proposed. The garage doors will be dark gray. A new exposed aggregate driveway is proposed along the southern property line. A stacked-stone retaining wall is proposed in the front yard along the driveway. An 8-foot tall wood fence is proposed around the rear yard. The HVAC unit is located on the north side of the home. The screening material is not shown on the plans. A new 40-square-foot trash enclosure is located adjacent to the new garage will be screened by a brick wall and wood gate. Susan stated that the project as proposed is in conformance with the requirements of the R-2 Single Family Dwelling District and the Architectural Review Guidelines. Staff is of the opinion that the proposed design and materials are compatible with the existing home and other homes in the neighborhood and recommends approval with the condition that the applicant submit a revised site plan showing a fence or 100% opaque evergreen landscape screening to screen the HVAC units, to be approved by staff prior to the issuance of a building permit.

Ms. Strutman informed the members that the Bryans purchased the home to renovate it. She noted that the brick will match existing. Samples of the natural stone, bronze windows, gray fiber cement siding and composite slate roof were presented.

Chairman Lichtenfeld asked about water run-off.

Ms. Strutman stated that run-off is not changing.

Mark Winings asked about the shutters.

Ms. Strutman stated that they will be a walnut color.

Chairman Lichtenfeld asked Ms. Strutman if they were aware of and would comply with the staff recommendation.

Ms. Strutman replied “yes”.

Chairman Lichtenfeld asked if the existing garage will stay.

Ms. Strutman explained that half the existing garage will remain and they are adding a 2-car garage.

Sherry Eisenberg asked about trees.

Ms. Strutman stated that they are removing three trees from the rear that are in poor condition.

Sherry Eisenberg asked if they are being replaced.

Ms. Strutman stated that there is a landscape plan; however, it was not required for this review.

Chairman Lichtenfeld commented that it is refreshing to see a house renovated versus being replaced.

Hearing no further questions and hearing none from the audience, Chairman Lichtenfeld called for a motion.

Ron Reim made a motion to approve per staff recommendation. The motion was seconded by Mark Winings and unanimously approved by the Board.

Chairman Lichtenfeld asked when they plan to begin work.

Ms. Strutman replied “soon”.

ARCHITECTURAL REVIEW – ADDITION TO SINGLE FAMILY RESIDENCE – 8144 KINGSBURY BOULEVARD

David & Karen Gulick, architect/owners, were in attendance at the meeting.

Susan Istenes explained that this is a request for review of the proposed construction of a 1,010-square-foot, 2-story addition to the rear of the home. The height of the addition is +/- 26 feet from grade to the mid-point of the roof. The addition will incorporate the same design and materials found on the existing home. The primary building material is brick with Hardie Board shingle accents on the gable end. The roof will be clad in architectural asphalt shingles, and wood clad windows are proposed. The existing concrete driveway will remain in place. No new retaining walls or permanent fences are proposed. The existing HVAC units are located on the east side of the home and are screened by an existing wood fence. A new +/- 40-square-foot trash enclosure is located at the rear of the home and will be screened by a wood fence and gate. Susan stated that the project as proposed is in conformance with the requirements of the R-2 Single Family Dwelling District and the Architectural Review Guidelines; staff is of the opinion that the proposed design and materials are compatible with the existing home and other homes in the neighborhood and recommends approval as submitted.

Mr. Gulick informed the members that this is pretty uneventful; it is simply a 22 ½-foot rear wall bump-out to provide an extra bedroom and much needed storage. Samples of the brick and wood window were presented. He stated that the brick will be painted to match the existing brick.

Chairman Lichtenfeld asked about the shingles.

Mr. Gulick stated that the siding will only be used on the gable ends. He referred to Sheet A3 of the project plans.

Chairman Lichtenfeld asked if they will have a pattern.

Mr. Gulick replied “yes”. Photos of the existing house were distributed.

Hearing no further questions or comments from the members and hearing none from the audience, Chairman Lichtenfeld called for a motion.

Sherry Eisenberg made a motion to approve as submitted. The motion was seconded by Josh Corson and unanimously approved by the Board.

Chairman Lichtenfeld asked when they plan to begin construction.

Mr. Gulick replied that they hope to begin in a couple of months.

SITE PLAN/ARCHITECTURAL REVIEW – NEW CONSTRUCTION – SINGLE FAMILY RESIDENCE – 6336 ALEXANDER DRIVE

Jim Bulejski, project architect, was in attendance at the meeting.

Susan Istenes explained that the proposed project consists of the demolition of the existing one-story home and the construction of a two-story, 4,366-square-foot single-family residence with an 814-square-foot detached garage. The HVAC units are located at the rear of the home and screened by evergreen landscaping. Trash will be stored in a 52-square-foot trash enclosure located adjacent to the detached garage and screened by a wood fence and gate. The existing impervious coverage on site is 59.4 percent. The plans decrease the impervious coverage to 48.6 percent, which is below the maximum allowable impervious coverage of 55 percent. The existing storm water runoff, according to the MSD 15 year, 20 minute calculation, is 0.79 cubic feet per second (CFS). The proposed runoff is 0.74 CFS, which represents a decrease in 0.05 CFS, and therefore on site storm water mitigation is not required. Downspouts from the home will be piped to two pop-up emitters in the front yard. Downspouts from the detached garage will be piped to a pop-up emitter in the rear yard. The Public Works Department has reviewed and approved the storm water management plan. The landscape plan shows the removal of 76 caliper inches of trees, 39 of which requires onsite replacement. The landscape plan proposes 41 caliper inches of new deciduous and broadleaf

evergreen trees. The City's contracted landscape architect reviewed the plans and has the following recommendations:

- i. Add a note to the plan specifying whether the lawn will be seeded or sodded.*
- ii. Add more variety of shrubs to the front and rear yard foundation landscaping.*
- iii. Consider a different tree species instead of Hornbeam.*
- iv. Revise the tree chart to show that trees 6, 7 and 8 will be impacted.*
- v. Note on the plans that trees 7 and 8 will be root pruned on the driveway side.*

Exterior lighting is proposed at the front of the home and the detached garage. All exterior lights will be 75 watts or less. Susan stated that the proposed home is compatible with surrounding homes in the neighborhood. Storm water will be adequately managed on site, and the landscape plan provides for a variety of new trees that are suitable for the area. The height, setbacks, and impervious coverage as proposed are in conformance with the requirements of the R-2 Single Family Dwelling District and the project has been conditionally approved by the subdivision trustees. Staff is of the opinion that the project meets the criteria for site plan approval and recommends approval with the following condition, to be approved by staff prior to the issuance of a building permit:

That the applicant submit a revised landscape plan which addresses the following:

- a. Add a note to the plan specifying whether the lawn will be seeded or sodded.
- b. Add more variety of shrubs to the front and rear yard foundation landscaping.
- c. Consider a different tree species instead of Hornbeam.
- d. Revise the tree chart to show that trees 6, 7 and 8 will be impacted.
- e. Note on the plans that trees 7 and 8 will be root pruned on the driveway side.

Mr. Bulejski noted that they would comply with staff's recommendations, that he had nothing more to add and he asked if there were any questions.

Chairman Lichtenfeld commented that it appears that run-off is being reduced.

Mr. Bulejski concurred.

Richard Lintz, subdivision trustee, stated that the driveway was moved to the south side and will jog to avoid the street trees.

Hearing no further questions or comments and hearing none from the audience, Chairman Lichtenfeld called for a motion.

Ron Reim made a motion to approve the site plan per staff recommendation. The motion was seconded by Mark Winings and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Susan Istenes explained that the height of the proposed residence is +/- 29 feet 2 inches as measured from the average existing grade to the mean height of the roof. The two-story home to the north (6330 Alexander Drive) was constructed in 1931 and is +/- 5 feet taller than the proposed home (as measured from the mid-point of each roof). The one-story home to the south (6344 Alexander Drive) was constructed in 1956 and is +/- 13 feet shorter than the proposed home (as measured from the mid-point of each roof). According to the applicant, the hip roof provides a transition in height and scale between the proposed home and the adjacent one-story home. The primary building material for the proposed home is red brick. The roof is clad in grey asphalt shingles and white double-hung windows are proposed. A new exposed aggregate driveway is proposed along the south side of the home and will lead to an 814-square-foot detached garage with two white garage doors. The height of the garage is +/- 17 feet 5 inches as measured from the average existing grade to the mean height of the roof. The primary building materials of the garage are red brick and Hardie Board siding. The roof is clad in grey asphalt shingles and white double-hung windows are proposed. No permanent fences or retaining walls are proposed. Susan stated that the project as proposed is in conformance with the requirements of the R-2 Single Family Dwelling District, the Architectural Review Guidelines, and has been conditionally approved by the subdivision trustees. Staff is of the opinion that the design and materials are compatible in terms of mass, height, and design with existing nearby homes and recommends approval as proposed.

Jim Bulejski presented a color rendering to the members. He stated that they placed the home a little further to the left to respect the home on the right; adding that it helps balance the streetscape. He asked if there were any questions.

Chairman Lichtenfeld asked how the side yard setback is calculated when there is a jog in the property line.

Louis Clayton informed Chairman Lichtenfeld that the measurement from the property line is followed.

Ron Reim commented that here, the taller house is an improvement.

Mr. Bulejski stated that having the one story porch helps.

Ron Reim commented that it's a nice design.

Samples of the brick and roofing material were shown.

Chairman Lichtenfeld asked about the stone.

Mr. Bulejski stated that it will likely be cast stone.

Josh Corson commented that he likes the brick sample better than it appears on the rendering.

Chairman Lichtenfeld stated that it is a nice looking house and agreed with Ron in that the size is right.

Hearing no further comments or questions from the Board and hearing none from the audience, Ron Reim made a motion to approve as submitted. The motion was seconded by Craig Owens and unanimously approved by the Board.

Chairman Lichtenfeld asked when they plan to begin work.

Mr. Bulejski replied “right away”.

ARCHITECTURAL REVIEW - 27 BRENTWOOD BOULEVARD (SHAW PARK) –
CHAPMAN PLAZA

Patty DeForrest, Parks & Recreation Director, was in attendance at the meeting.

Susan Istenes explained that the proposed project is located at the northeast corner of Shaw Park and includes a new entry plaza, a cascading water feature and a reflecting pond. The project originally appeared in the Shaw Park Master Plan Overlay in 2013 and is funded by a donation through the Clayton Century Foundation. A new entry and gathering space to the park will be located at the southwest corner of Forsyth Boulevard and Brentwood Boulevard. The plaza will be constructed of exposed aggregate concrete with flagstone accents. At its center will be a water feature and new park signage. Around the perimeter of the plaza are raised planting beds, stone veneer walls, wood benches, and a wood pergola. An interactive water feature is located between Chapman Plaza and the reflecting pond. A new path with natural limestone stairs will follow the water as it flows downhill. Railings will be stainless steel. Along the water feature is a seating area, a viewing platform, and two bridge crossings. A new pond is proposed at the bottom of the hill. A +/- 500-square-foot wood frame pavilion with a red standing seam metal roof is located adjacent to the pond. Susan indicated that staff is of the opinion that the proposed design and materials are high quality and that the proposed improvements will greatly improve the attractiveness and accessibility of the park and recommends approval as submitted.

Ms. DeForrest stated that she is pleased to be here this evening and then she introduced Ted Spade, project architect, to the members. She stated that they’ve been working since last summer on this project.

Mr. Spade began a PowerPoint presentation. He noted that the project encapsulates the north end of the park and includes a plaza, cascade and reflecting pond.

Slides depicting the site plan were shown.

Mr. Spade commented that children will still be able to sled from the northwest area of the park.

Chairman Lichtenfeld asked if the ground will be flattened out before reaching the pond.

Mr. Spade replied “yes”; adding that if it is icy, a sled could go into the pond. He stated that there will be safety benches around the pond. He stated that two ADA parking spaces will be added on Brentwood Boulevard.

A slide depicting ADA access was shown.

Mr. Spade commented that this is where urban meets park.

A slide depicting the plaza plan was shown. He stated that shading will be provided and streetscape will be incorporated.

Color renderings of various features were shown. Mr. Spade stated that the raised plaza and fountain, which will be off during the winter, will be made of natural stone with a stone cap and provide seat “walls”.

Samples of the proposed wood were shown. Mr. Spade noted that this wood weathers well.

Chairman Lichtenfeld asked if water cascades over the side of the fountain.

Mr. Spade replied “yes”. He stated that the area will be well lit as they want the area to be inviting. He stated that there will be an 18-24-inch trench drain at the fountain and the plaza will street drain towards the park. He noted that the cascades will run all winter long.

Chairman Lichtenfeld asked about the mechanics.

Mr. Spade stated that there are vaults in the lawn area. He added that their desire is to have a healthy system.

Chairman Lichtenfeld asked how deep the pond will be.

Mr. Spade replied “8-10 feet”.

A slide depicting a color rendering of the pergola was shown.

Josh Corson asked if the area could be used for concerts.

Mr. Spade stated that there is a hillside gathering area next to the pond.

Josh Corson asked about bicycle parking.

Ms. DeForrest stated that there are bike racks throughout the park; but more could be added.

Chairman Lichtenfeld asked if the wood benches could be used for overnight stays.

Mr. Spade stated that the benches will be very visible and across from the police building.

A slide depicting a rendering of what the area will look like at night was shown.

Mr. Spade stated that the pathway to the pond and the pavilion will be lit as well.

A slide depicting details of the cascade was shown. Mr. Spade commented that kids will want to engage the water features and that safety issues need consideration.

Slides depicting photos of Mr. Spade's past projects were shown.

Mr. Spade stated that the project includes planting 15 new canopy trees, 21 flowering trees and 9 evergreens. He added that native Missouri plants will attract dragon flies.

Chairman Lichtenfeld asked if any trees are being lost.

Mr. Spade replied "yes, about 6". He added that the heroic trees are being saved.

A slide depicting a photo array of native trees was shown.

Mr. Spade noted that the area will create monarch butterfly habitats. He added that their plan is to have a 4-season landscape; they don't want the area to look dead in the winter.

A slide depicting the anticipated timeline was shown. Ms. DeForrest noted that they plan to go out for bid in July, sign a contract in August, begin in the fall and it will take 6-8 months to complete.

Chairman Lichtenfeld stated that this is an exciting addition to the Park and will be people friendly. He added that the materials are beautiful and his only concern is sledding into the pond.

Ron Reim stated that it is a beautiful project.

Mr. Spade stated that they hope it to be a multi-sensory experience.

Chairman Lichtenfeld asked if there could be weekend musicals there.

Ms. DeForrest stated that there could be a 3-4 man band under the pavilion; the area lends itself to all kinds of ideas.

Sally Cohn, Clayton resident, asked if extra manpower will be needed to maintain this area.

*Josh Corson left the meeting (6:30 p.m.).

Ms. DeForrest stated that the project is fully funded.

Ms. Cohn asked if the City will need to hire a couple of full-time employees.

Ms. DeForrest indicated that they would or that it will be contracted out.

Ms. Cohn suggested utilizing the Gateway Foundation or the Pevely Foundation. She asked if any of the street water will be captured.

Ms. Spade stated that they are looking at that.

Ms. Cohn stated that the project looks great.

Craig Owens referred to correspondence that was received as of late. He asked Mr. Spade if he saw the correspondence.

Mr. Spade replied “yes”. He stated that they did study the northwest corner of the Park and referred back to that area being used for sledding. He stated that they will consider benches along the walkway.

Chairman Lichtenfeld commented that it is a beautiful design and will become a focal point.

Hearing no further questions or comments and hearing none from the audience, Chairman Lichtenfeld called for a motion.

Ron Reim made a motion to approve as submitted. The motion was seconded by Sherry Eisenberg and unanimously approved by the Board.

PUBLIC HEARING – TREE AND LANDSCAPE REGULATIONS

Susan Istenes introduced the item and stated that Louis Clayton, Planner, and Laurel Harrington, contracted landscape architect, would provide an overview.

Louis Clayton stated that this was a joint effort with Laurel.

The following is the staff report in its entirety:

The presence of tree canopy and landscaping in urban areas has been found to contribute to a variety of environmental, economic and social benefits. These include improving air quality, water

filtration & retention, wildlife habitat, increasing property values, encouraging physical activity, and preserving neighborhood character.

The City's tree removal and replacement policy has been in place since 1999 and was established in response to an increase in development activity and the loss of trees in residential neighborhoods. The policy applies to residential and non-residential construction and requires that when trees of one caliper inch or more in diameter are removed, they are to be replaced on-site with similar species. If the amount of caliper inches removed cannot be replaced on site, a contribution to the City's Forestry Fund at a rate of \$120 per caliper inch is required. In 2008, the City created the Landscape Plan Guide to assist developers and design professionals in the preparation of landscape plans associated with certain development projects. The guide specifies when a landscape plan is required, the City's tree removal and replacement policy, the review and approval process, the components of a landscape plan, and an approved tree list.

Since the adoption of these policy guidelines, staff has continually evaluated their effectiveness and impact on the development process and the City's urban forest. Staff has observed that the current guidelines do not provide flexibility in tree replacement requirements, have a disproportionate impact on sites with more and/or larger trees, and have resulted in sites being overplanted with understory trees. An attempt to update and codify new tree and landscape regulations in 2012 ultimately was not adopted by the Board of Aldermen (a comparison of the existing guidelines, the 2012 update and the current draft regulations is included with this staff report).

SUMMARY OF PROPOSED REGULATIONS

The proposed text amendments will amend Chapter 405 (Zoning Regulations) of the Clayton City Code by adding a new Article XXX: Trees and Landscaping Regulations (see page 5), and will amend and/or repeal various sections of Chapters 405, 410 (Overlay & Urban Design Districts) and 415 (Subdivision Regulations) to update cross references to such regulations (see page 20). The purpose of the new regulations is to establish minimum landscape standards; provide standards for the protection, preservation and replacement of trees; to reduce tree loss and damage during construction; to promote tree species diversity; and, to maintain adequate tree canopy coverage citywide.

The regulations are a hybrid approach based on lessons learned from first-hand administration of the City's current guidelines, newly available tree canopy data, industry best practices, input from the community, and professional expertise from the City's contracted landscape architect. The primary components of the regulations are summarized below.

Landscape Plan Requirements

The regulations only apply to projects located on private property. Projects which require approval through the Site Plan Review, Special Development District, or Planned Unit Development processes must submit a landscape plan in conformance with the regulations.

Projects that require a demolition permit are only subject to the requirements for tree protection and must submit a tree protection plan.

Landscaping Standards

Projects must provide appropriate foundation and perimeter landscaping and native plants are encouraged. Mechanical units must be screened by 100 percent opaque screening such as landscaping or a fence.

Pre-development tree removal (“Clearcutting”)

It shall be prohibited for any person to remove 19 or more caliper inches of Contributing Trees or any Landmark Tree located outside a lot’s buildable area for the purposes of preparing a lot for a development project subject to Site Plan Review, Special Development District, or Planned Unit Development approval. Any property for which a Landscaping/Tree Preservation Plan has been approved in accordance with this article and a building permit has been issued is exempt from this requirement.

New Tree Standards

All new trees must be selected from the approved tree list. No more than 33 percent of the total number of trees may come from the same genus, and at least 33 percent of the total number of trees must be native. Trees planted in or near utility easements are discouraged. One medium/large deciduous tree must be planted on site if new trees are required. The Plan Commission may waive and/or modify these requirements.

Tree Preservation & Replacement:

Only projects in residential zoning districts which require approval through the Site Plan Review, or Planned Unit Development processes require tree preservation and/or replacement and there are different requirements for residential and non-residential developments. Two tree categories are defined for the purposes of determining the tree preservation and replacement requirements:

- Contributing Tree: Any tree measuring 3 caliper inches to 19 inches that is in fair to good condition and is not an invasive species as defined by the Missouri Department of Conservation.
- Landmark Tree: Any tree exceeding 19 inches that is in fair to good condition and is not an invasive species as defined by the Missouri Department of Conservation.

For non-residential developments (such as religious institutions and schools), Contributing and Landmark Trees that are proposed to be removed or that were removed within one year preceding the submittal of a development application to the City shall be replaced on site with new trees so that the combined caliper inches of new trees is at least equal to the number of inches being removed. If the amount of caliper inches removed cannot be replaced on site, a contribution to the City’s Forestry Fund at a rate of \$250 per caliper inch deficiency is required. The Plan Commission may approve a reduction up to 20 percent of the total required inches.

For residential projects, individual trees that are removed do not require replacement. New trees are required if the lot does not meet the minimum tree canopy lot coverage for that zoning district through the preservation of Contributing and/or Landmark Trees. To encourage the preservation of existing trees, Landmark Trees preserved on site shall be calculated at 125 percent of their calculated tree canopy area. If the amount of tree canopy cover cannot be provided on site, a contribution to the City's Forestry Fund at a rate of \$0.60 square foot deficiency is required. The Plan Commission may approve a reduction up to 20 percent of the total required square feet canopy cover.

Tree Protection Measures

Any construction, demolition, site work or similar activity which may injure existing trees requires the implementation of tree protection measures as set forth in the regulations or as determined by the City's contracted landscape architect. The tree protection measures are to be followed at all times and must be noted on the landscape plan.

PUBLIC INPUT

In February 2016, the project was announced in the Cityviews newsletter and the project webpage (www.claytonmo.gov/LandscapeUpdate) was created. On February 29, the City hosted two workshops to present the proposed regulations and solicit feedback from developers/design professionals and the general public. Notice for the workshops was posted on the project webpage, and emailed directly to 4,600 subscribers through the City's e-notification system. Approximately 25 people attended the two workshops. On March 1 the draft regulations and workshop presentation were uploaded to the project webpage, along with a link to an online survey. As of April 11, 23 people have completed the survey and provided feedback (the complete survey results are included with this staff).

IMPACT

The regulations are a hybrid approach based on lessons learned from first-hand administration of the City's current guidelines, newly available tree canopy data, industry best practices, input from the community, and professional expertise from the City's contracted landscape architect. The regulations have been tested by the City's contracted landscape architect using eight cases studies. The case studies represent recently approved/reviewed projects located in different zoning districts and contexts. The role of the case studies is to test the canopy coverage method against the caliper replacement method, and to refine the requirements and methodology. Based on an analysis of the case studies, the City's contracted landscape architect has made the following observations:

- The canopy method results in proper tree replacement density.
- Removing small evergreen trees from the canopy cover calculation is not a hardship.

- The 33 percent native requirement is achievable, but requires that any hedges or screening trees be natives.
- The 33 percent maximum of a particular genus requirement is difficult to achieve if the plan includes screening hedges.
- The requirement for one large or medium deciduous tree is appropriate for most sites.

If the regulations are adopted, staff anticipates an increase in the number of mature trees being preserved, an increase in the number of native and canopy trees planted, and more diversity in tree species. The number of new trees planted will likely decrease since a one to one replacement is no longer required for residential projects, and subsequently staff anticipates the amount of payments to the City's Forestry Fund to decrease. The regulations will allow more administrative flexibility for unique circumstances. Staff anticipates the cost to the applicants will not change as it relates to landscape review fees.

Staff is of the opinion that the proposed regulations are in the best interests of the citizenry as a whole and represent a fair balance between the encouragement of tree preservation, planting and landscaping, and the potential impact to the community. Staff is of the opinion that the adoption of the tree and landscape regulations is a proactive step that the City can take to establish minimum landscape standards; provide standards for the protection, preservation and replacement of trees; to reduce tree loss and damage during construction; to promote tree species diversity; and, to maintain adequate tree canopy coverage citywide and staff recommends approval of the new regulations.

Chairman Lichtenfeld asked who will verify compliance.

Louis Clayton replied that the landscape architect on contract will.

Mark Winings asked if trees are measured at their potential.

Louis Clayton replied "yes".

A map depicting Clayton tree coverage was shown.

Chairman Lichtenfeld asked if neighboring communities are using the tree canopy method.

Louis Clayton replied "yes, but not to this extent". He added that many communities exclude single family lots or have a minimum lot size.

Chairman Lichtenfeld asked about developer input.

Louis Clayton stated that between 10 and 15 developers attended the workshop.

Chairman Lichtenfeld asked if these regulations could reduce the buildable area.

Louis Clayton replied “no”.

Chairman Lichtenfeld opened the public hearing.

Louis Clayton stated that trees are awarded square footage based on their potential.

Ron Reim asked if the goal is to add/retain canopy trees.

Laurel Harrington stated that small evergreens have been excluded and that ideally, canopy trees are in the back yard; ornamental trees are great for front yards.

Mark Winings asked how they arrived at the minimums.

Louis Clayton asked if the members wanted to see a case study.

The members replied “yes”.

Ms. Harrington presented a slide depicting a case study of a redeveloped lot zoned R-2. She noted that the narrow lots can achieve the required canopy and include one medium or large canopy tree.

Ms. Harrington commented that the plant list is very open.

Chairman Lichtenfeld asked if there is a guideline to shade the house.

Ms. Harrington stated that that is looked at during review of the landscape plan.

Mark Winings asked how this will impact the Forestry Fund and how \$0.60/square foot of deficiency was derived.

Louis stated that \$0.60 relates to replacement cost.

Ms. Harrington informed the members that people want to plant value on their property versus paying into the Forestry Fund.

Louis Clayton added that staff wants people to meet these standards.

Sherry Eisenberg asked to discuss lots with no trees versus lots with a lot of trees.

Louis Clayton stated that meeting the requirements is achievable in all scenarios. He reminded the members that they [the Plan Commission] can allow up to a 20% reduction of the requirement.

Ron Reim commented that clearcutting is avoided the way the regulations are structured.

Louis Clayton stated that's more an enforcement issue; the demolition plan would be looked at.

Chairman Lichtenfeld stated that Google Earth could potentially help in determining existing trees.

Louis Clayton informed the members that the Planning intern did that before and the margin of error was too high; a professional is needed to obtain accurate information.

Ron Reim commented that Google Earth is updated at a higher frequency now.

Mark Winings asked if the regulations apply even if trees are not being removed.

Louis Clayton replied "yes".

Bill Weishar with Baxter Gardens was in the audience. He stated that these proposed regulations eliminate an overabundance of plants because people do not want pay into the Forestry Fund. He stated that this makes a level playing field. He stated that his only concern with the regulations is if the goal is to achieve more diverse plantings, be sure to encourage more native plants so there is enough to choose from. He asked that they also be allowed to pull trees/plants from 5-6 different states.

Louis Clayton stated that that comment has been heard before and language can be added or the Plan Commission can waive or reduce the requirement.

Sally Cohn voiced her concern about someone applying for a project only to have removed the lot of trees 6 months earlier. She added that if the stump is removed, evidence of a tree can't be seen and maybe Google Earth could help.

Ms. Harrington stated that it would be of no benefit if the tree was dead or in poor condition. She asked staff if calls to City staff are made when trees are being removed.

Susan Istenes replied "yes".

Louis Clayton stated that after final inspection, no follow-up tree inspections are conducted and often, new people own the property.

Mr. Weishar informed the members that very few trees are removed after one year. He emphasized that people would rather overplant their lot than pay into the fund.

Mr. Spade stated that he believes that this is the future.

Sally Cohn stated that this is a good solution.

Mr. Spade stated that this is more flexible.

Hearing no further comments or questions from the audience, Ron Reim made a motion to close the public hearing. The motion was seconded by Mark Winings and unanimously approved by the members.

Chairman Lichtenfeld asked for final comments.

Ron Reim stated that he believes this to be a big step in the right direction that he hopes the Board of Aldermen embrace.

Mark Winings commented that the clearcutting issue throws him off a bit.

Louis Clayton stated that the goal is to keep pre-development tree removal to a minimum.

Chairman Lichtenfeld commended staff and Ms. Harrington for their hard work and thanked Bill, Sally and Ted for their input as well. He stated he hopes this move will help achieve the City's goals.

Hearing no further questions or comments from the members, Ron Reim made a motion to recommend approval of the regulations to the Board of Aldermen. The motion was seconded by Sherry Eisenberg and unanimously approved by the members.

Susan Istenes thanked Bill as well.

Mark Winings said it would be great if Bill came to the Board of Aldermen meeting.

Mr. Weishar stated he would attend if he gets an invitation; he added that Louis invited him to this evening's meeting.

PRESENTATION OF THE 2015 PC/ARB ANNUAL REPORT

Susan Istenes referred to the report which was distributed in the members' packets. She stated that 2015 was not as busy as previous years but it felt like it was. She stated that there were more rezonings than in years past; fewer CUPs but the same number of new restaurants. She stated that there were 16 new single-family residences in 2015.

Chairman Lichtenfeld commended the clear and concise report. He thanked staff for their hard work during the year.

Susan Istenes thanked the Board for their hard work as well.

Mark Winings asked when the Landscape Regulations will go to the Board of Aldermen.

Susan Istenes stated that she didn't know at this time; a public hearing notice has to be published in the newspaper.

Ron Reim asked about the Apogee project.

Louis Clayton stated it will be on the next agenda.

Being no further question or comments, this meeting adjourned at 8:25 p.m.

Recording Secretary